IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.961 OF 2004

Suresh Kanuba Doiphode and others)..Appellants

Versus

Dr.Ramesh Kanuba Doiphode and another)..Respondents

Mr.R.A.Thorat for the Appellants.

Mr.V.Y.Sanglikar for the Respondents.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 30TH NOVEMBER 2004

P.C.:

. The Appellants have moved this Court impugning the order dated 3rd November 2004 passed in Notice of Motion No.4187 of 2004. By this order, the father of Plaintiff No.1 who is Defendant No.5 and the other Defendants have all been thrown out of the suit premises. Commissioner's Report indicates that on the date he visited the premises, the Defendants were in possession of the rear portion of the suit property. Instead of admitting the Appeal and keeping the same pending, I am of the view that the impugned order passed in the Motion has to be set aside. The Defendants will be allowed to occupy the portion of the premises which they had been occupying earlier i.e. the portion marked in Red by the

Commissioner at page 25 of the Appeal compilation. The hearing of the Suit is expedited and the trial Court is requested to dispose of the same by 31st December 2005.

2. Appeal From Order disposed of accordingly.

4. In view of the Appeal From Order being disposed of, nothing survives in Civil Application No.1330 of 2004 and the same is disposed of accordingly.

5. Parties to act on an authenticated copy of this order.